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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,209	04/23/2001	Jin Lu	US 010191	3948

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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2616

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/840,209	Applicant(s) LU, JIN	
	Examiner Vincent F. Boccio	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE and Amendment 12/12/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments filed 12/12/05 have been fully considered but they are not persuasive.

The examiner has reviewed all arguments and fails to find any persuasive arguments.

Applicant continues to argue that there is no local broadcast facility, suggests that the examiner read in light of the specification, in response, the local broadcast facility of met in view of the station and the local transmit antenna and in view of the receiver system with the local receive antenna, therefore, local to each other, further also the local broadcast facility also receives data from other sources, remote to the local broadcast facility.

Page 6, "satellite and terrestrial media can deliver IP data to the station. Most of the content is cached on the server where it can be branded and scheduled for broadcast, but, streaming audio or video may be processed for immediate broadcast."

As suggested even the streaming video or audio, as suggested, can be cached, but, could be sent immediately, therefore, acting as a local relay broadcast station.

Most content is cached or stored locally, thereafter **branded and scheduled**, therefore initially stored/cached and later processed, by branding {a characteristic of a specific kind}, and scheduling {designate a fixed time}.

Page 7, "multicasting where portions of the service are tailored to the interest of separate groups with the stations service area, and unicasting where aspects of the service are targeted to a specific PC user."

Of those skilled in the art, would clearly realize that to tailor to interests, or even target a user's PC, the examiner knows that prior knowledge **must be known, to tailor or to target**, no other discussion deemed necessary.

The examiner has provided new grounds of rejection on some claims, see below.

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Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

or

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as anticipated by Motorola "Integrated Data-casting Solutions for Digital TV (6/1999) or, in the alternative, under 35 U.S.C. 103(a), as obvious over Dureau (US 2005/0111823 A1).

Regarding claim 1, Motorola PUB. discloses and meets the limitations associated with a data apparatus comprising:

- a storage medium for storing selected portions of transmitted data cast streams (page 6, "Data Assimilation", cached, content storage and local branding;
- a controller receiving within the local facility receiving a first data cast (pages 6-7, "Input files, Broadcast Server, Scheduling, Content Preparation/Editing", "A vast array of data may be brought in from a variety of media, terrestrial media can be deliver IP data to the station"),
- wherein the controller determines based on branding and user profiles and performs targeting with a

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processor or controller is based on a user profile (page 5, "USER Profile").

Users can be grouped, sub-grouped even uni-cast, based on (page 7, "multicasting to demographic groups and user profiles", therefore, groups and even sub-groups), and unicasting by targeting a specific PC users, based on user profiles and demographic, wherein all three types of network session are possible in the same service, the filtering is accomplished according to page 11-12, "user's view history back to the TV station over the internet to the local station, wherein system targets either groups, sub-groups even specific users, based on demographic and user profiles.

On the alternative the examiner cites Dureau teaches at page 7, [0063], "User information such as profile data may also be uploaded to the receiver station or the broadcast station for filtering downloads or customizing program content which is displayed on the television.", as taught by Dureau.

Therefore, it would have been obvious to those skilled in the art to modify Motorola integrated data casting solutions by uploading user profiles to the local station and to select or filter contents received from various sources, with the profile and a controller to performing targeting by selecting content based on profiles, to either queue or store the selected blocks to perform group or unicasting to better target the community, based on the decided needs of the community.

The examiner renders inherent to store blocks based on a user specific ID or profile, when targeting or even group casting, associated with branding and selecting from the caches content and scheduling, prior to transmission, to storage, such as transmission queues prior to transmission of multi-casting data, unicasting data and group casting data in one system, in view of pages 5-12, that based on page 9 to be operable the examiner renders the buffering or queues a required feature to perform the operation of the downstream data inserter to be operable, the examiner believes that the system would not be operable without buffering or queues for transmission content to be injected or inserted into an MPEG transport stream by opportunistic-ly injected, the data where null packets previously existed in the MPEG stream (page 10).

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On the alternative the examiner takes official notice that providing queues or placeholders for data-casting, or an order of transmission, operating as such as a FIFO or other type ordering (additional priority considerations), is well known in the art, therefore, it would have been obvious to one skilled in the art at the time of the invention to utilize transmission queues or placeholders in memory, or queue locations or a sequence or an order, for transmitting the multicast data-cast, and a subgroup data-cast such as based on demographic data and a uni-cast queue, to one and to utilize a plurality transmission queues to order the transmission, as would have been obvious to and is well known to those skilled in the art.

To support the official notice taken, the examiner had provided multiple references, see final office action, that teach queues for the transmission types, unicasting, group casting, operations.

Regarding claims 2-8, the combination with Motorola further meets the limitations of wherein the system comprises a plurality of end user apparatuses (page 7, "multicasting to demographic groups", which also meets the limitation of wherein the group is met by all, and/or at least one subgroup associated with all, met by demographic groups/groups) and further to multicast to a group or subgroup requires an address unique to the demographic and uni-casting or only by one, wherein unicasting is targeting which requires a unique address associated with one end user, also page 7, as disclosed.

Claims 9-16 represent the corresponding method claims, associated with the apparatus claims above, are analyzed and discussed with respect to the claims 1-8 above.

4. Claims 17-20 are rejected under 35 U.S.C. 102(b) as anticipated by Motorola **"Integrated Data-casting Solutions for Digital TV (6/1999)"** or, in the alternative, under 35 U.S.C. 103(a) as obvious over known prior art.

Regarding claims 17-18, Motorola discloses and meets the limitations associated with a TV broadcasting system capable of transmitting data-cast streams to a plurality of storage apparatuses (page 5 and/or page 6 and/or page 7 and/or pages 8-9), the TV broadcasting system comprising:

- a data retrieval and a memory (page 6, memory met by "cached", "content is cached on a server where it can be scheduled for broadcast"), controller capable of accessing a plurality of data sources (page 6, sources met by a source of NEWS, Finance, Sports and Technology into the "INTERNET CLOUD", and other sources, to HUB, "TV station to lunch a

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sustaining data-cast service ... the station can also seek out additional data through the Internet to augment its data-casts") and retrieving from each of the sources WEB page data (page 6, "Internet", "search the WEB") and wherein the content can be internet content or Web pages, page 4.

Motorola discloses caching prior to broadcasting and meets all the limitations such as groups multicast and subgroups multicast using demographics and even uni-casting

but, fails to particularly disclose or specifically mention, wherein the memory for storing the retrieved WEB page data in

a plurality of transmission QUEUES,

first queues for all apparatuses (multi-casting);

second queues multicast only by selected subgroups of the plurality of storage apparatuses (demographic multi-casting).

The examiner renders inherent to provide transmission queues for multi-casting, unicasting and group casting in view of pages 5-12, that based on page 9 to be operable the examiner renders the buffering or queues a required feature to perform the operation of the downstream data inserter to be operable, the examiner believes that the system would not be operable without buffering or queues for transmission content to be injected or inserted into an MPEG transport stream by opportunistic-ly injected, the data where null packets previously existed in the MPEG stream (page 10).

The examiner takes official notice that providing queues or placeholders for data-casting, or an order of transmission, operating as such as a FIFO or other type ordering (additional priority considerations), is well known in the art, therefore, it would have been obvious to one skilled in the art at the time of the invention to utilize transmission queues or placeholders in memory, or queue locations or a sequence or an order, for transmitting the multicast data-cast, and a subgroup data-cast such as based on demographic data and a uni-cast queue, to one and to utilize a plurality transmission queues to order the transmission, as would have been obvious to and is well known to those skilled in the art.

To support the official notice the examiner had provided multiple references, see final office action.

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Regarding claim 19, the combination as applied with Motorola further meets the limitation of wherein the transmission controller based on the combination applied provides for a plurality of queues for the first, second and third transmissions, being multicasting, group or even sub-group multicasting and uni-cast transmission ordering and further Motorola, further discloses wherein according to page 7, the data-casts can have transmitted at predetermined times of the day (page 7, met by assigning start times, also see "files in the user's PC can be undated at predetermined times to keep their contents accurate"), therefore, meeting the limitation at predetermined times of the day.

Regarding claim 20, the combination provides for uni-casting, therefore, to uni-cast the unique ID is an inherent feature to send something specifically to one apparatus or user.

Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
12/27/05


VINCENT BOCCIO
PRIMARY EXAMINER